

**AN ORDINANCE BY
BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG**

05-0-0895

**AS SUBSTITUTED BY:
FINANCE/EXECUTIVE COMMITTEE**

AMENDING THE 2005 (2004 QUALITY OF LIFE BOND FUND) BUDGET BY TRANSFERRING APPROPRIATIONS IN THE AMOUNT OF \$85,000.00 FROM THE DISTRICT 5 GREENSPACE ALLOCATIONS FOR THE PURPOSE OF FUNDING THE HAROLD AVENUE GREENSPACE PROJECT IN COUNCIL DISTRICT 5 AS WELL AS AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY CONSERVATION, INC. AN AMOUNT NOT TO EXCEED \$364,254.00 FOR THE ACQUISITION AND ASSOCIATED COST FOR THE PURCHASE OF THE PROPERTIES LOCATED AT HAROLD AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, green space (parks, nature preserves) is becoming a precious commodity in the City of Atlanta with the explosive growth the region is experiencing; and

WHEREAS, the inability of the city to purchase additional green space at today's inflated prices is becoming a serious concern for the citizens and city leaders; and

WHEREAS, the lack of funding within the Department of Parks, Recreation and Cultural Affairs' operating and capital budgets does not afford it the opportunity to purchase additional green space; and

WHEREAS, the City of Atlanta is behind other major cities as it relates to public parkland acquisitions; and

WHEREAS, the council member of District 5 wishes to use Quality of Life Improvement Bond Funds to assist her district in acquiring the greenspace properties located at 591, 595 and 601 Harold Avenue; and

WHEREAS, Lake Claire Neighbors, Inc., the neighborhood wherein sits the Harold Avenue property, is a Georgia non-profit, and has committed its membership and resources to the maintenance of this passive greenspace property; and

WHEREAS, Lake Claire Neighbors, Inc., the neighborhood association that represents the community wherein sits the Harold Avenue property, is a Georgia non-profit, has committed its membership and resources to the maintenance of this passive greenspace property; and

WHEREAS, Lake Claire Neighbors, Inc. has begun the process of developing a Master Plan for the Harold Avenue Greenspace Property; and

WHEREAS, the Harold Avenue property contains the headwaters of the Peavine Creek, is home to migratory bird species such as warblers, thrushes and vireos, and contains mature mixed hardwoods representative of the Piedmont Region;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follows:

SECTION 1: That the 2005 (2004 Quality of Life Improvement Bond Fund) Budget is amended hereby as follows:

TRANSFER FROM APPROPRIATION

1C50 7***** Y63FO62792BH	Memorial Drive, Greenspace District 5	\$85,000.00
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TRANSFER TO APPROPRIATION

1C50 7***** Y63FO6**92BH	Harold Avenue, Greenspace District 5	\$85,000.00
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SECTION 2: That the Council authorizes the Mayor or her designee to develop and execute a Memorandum of Understanding (MOU) with Lake Claire Neighbors, Inc. or another appropriate non-profit organization. The Memorandum of Understanding shall be in substantially in the same form as the attached.

SECTION 3: That the Department of Watershed Management will accept the Harold Avenue property into its inventory with the understanding that the preservation and maintenance of the Harold Avenue greenspace property will be the responsibility of the Lake Claire Neighbors, Inc. or another non-profit organization in accordance with the Memorandum of Understanding (MOU).

SECTION 4: That no funds shall be paid until the Memorandum of Understanding is executed between the City and the appropriate non-profit organization.

SECTION 5: That the Chief Financial Officer is authorized to pay Conservation Fund, Inc. \$364,254.00 for the acquisition of the properties located at 591, 595 and 601 Harold Avenue including those cost associate with the purchase of the land (appraisal, title search, closing cost, etc.).

SECTION 6: That all ordinances and parts of ordinances in conflict herewith are and the same is hereby waived in this instance only.

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